

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2296 of 1996

AND

CRIMINAL MISC.APPLICATION No.2511 of 1996

cr

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

AMRUTLAL V SONI

Versus

STATE OF GUJARAT

Appearance:

Criminal Misc.Application Nos.2296 and 2511 of 1996

MR NR MEHTA for Petitioners

Mr. M.R.Anand, senior counsel and Public Prosecutor
with Mr.D.N. Patel, learned Addl.P.P. for the State of
Gujarat.

Mr. P.M. Raval, senior counsel with
Mr.P.S. Champaneri for the respondent No.2.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 11/09/96

COMMON JUDGMENT:

1. This common order will dispose of both the

aforesaid Applications.

2. These Applications have been moved under S.439(2) of Cr.P.C. for cancellation of the orders of bail passed on 4-3-96 by Sessions Judge, Banaskantha District at Palanpur in Criminal Misc. Applications Nos.137 and 138 of 1996.

3. Mr. Mehta represents the complainant in both these Applications and his main grievance is that certain important facts were suppressed by the respondents Liladhar and Ishwarlal before the concerned Sessions Court and the orders dated 4-3-96 was obtained by suppressing important facts relating to the filing of certain matters before this Court and the orders, which have been passed by the Sessions Court itself with regard to the issuance of warrants against Liladhar and Ishwarlal.

4. In terms of S.439(2) such application for cancelling the bail could be moved before the Sessions Court itself, which had passed the bail orders, which are sought to be cancelled and the Sessions Court, which passed the bail orders, would be in a better position to appreciate as to whether any facts had been concealed or suppressed or not and if concealed and suppressed, what would be the consequences. In this view of the matter, Mr. Mehta, learned counsel for the petitioners in both these matters, seeks to withdraw these Applications moved before the High Court under S.439(2) Cr.P.C. so as to approach the Sessions Court itself which had passed the bail orders dated 4-3-96. Accordingly both these Applications are dismissed as withdrawn and it will be open for the petitioners to approach the Sessions Court by moving appropriate applications, if they feel so advised. Notice is discharged in Criminal Misc. Application No.2511/96 and Rule is discharged in Criminal Misc. Application No.2296/96